

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NATALIA SHAW,
Plaintiff,

v.

CIVIL ACTION NO. 15-11602-MPK

TOWN OF PLYMOUTH,
Defendant.

**ORDER ON MOTIONS TO PROCEED *IN FORMA PAUPERIS* (#3)
AND FOR APPOINTMENT OF COUNSEL (#2)**

KELLEY, U.S.M.J.

1. The motion for leave to proceed *in forma pauperis* (#3) is GRANTED.
2. The Clerk shall provide the plaintiff with the form for Consent/Refusal of Magistrate Judge Jurisdiction and the instructions for that form (“consent package”).
3. The Clerk shall issue a summons and the United States Marshal shall serve a copy of the summons, complaint, consent package, and this Order upon the defendant as directed by plaintiff with all costs of service to be advanced by the United States. Service must be completed within 120 days of the date of this order.
4. The motion for appointment of counsel (#3) is DENIED WITHOUT PREJUDICE. Although the Court “may request an attorney to represent any person unable to afford counsel,” 28 U.S.C. §1915(e)(1), a civil plaintiff lacks a constitutional right to free counsel, *see DesRosiers v. Moran*, 949 F.2d 15, 23 (1st Cir. Cir. 1991). To qualify for appointment of counsel, a party must be indigent and exceptional circumstances must exist such that the denial of counsel will result in fundamental unfairness impinging on the party’s due process rights. *See DesRosiers*, 949 F.2d at 23. Without a response from the defendant, the Court cannot determine whether this case presents exceptional circumstances that would justify

the appointment of pro bono counsel. Shaw may renew the motion once the defendant has been served with and has responded to the complaint.

April 17, 2015

/s/ M. Page Kelley
M. Page Kelley
United States Magistrate Judge